

Kennebunkport Fire Department

POLICY 4

DISCIPLINARY POLICY

April 2008

The officers of the Kennebunkport Fire Department (KPFDD) are responsible for maintaining discipline within the ranks of the KPFDD, and they, with the concurrence of the Fire Chief, may impose disciplinary sanctions on any KPFDD member. Disciplinary action may be taken whenever a KPFDD member fails to follow established Policies, Regulations or Suggested Operating Guidelines (SOG's) or refuses to follow the orders of a KPFDD officer or Incident Commander. Disciplinary action may be a written warning, suspension or discharge, depending upon the seriousness of the infraction and any history of previous infractions.

The procedure to be followed in imposing sanctions will depend on whether or not immediate action is warranted to protect the public health or safety or that of any KPFDD member.

1. Non-Emergency Situation:

In a training or other non-emergency situation, any KPFDD officer or member may file a written report complaining that a member has violated KPFDD Policies, Regulations or Suggested Operating Guidelines (SOG's). This report is to be delivered to the Fire Chief, and it should identify the KPFDD member involved and the circumstances. The Fire Chief will review the violation with the member and any other KPFDD members involved. The KPFDD member will have an opportunity to present his/her version of the events and circumstances. After consulting with the member, the Fire Chief shall complete a written report of the incident and review it with any other affected KPFDD member. The KPFDD member shall have an opportunity to provide a written summary of his/her version of the incident. The Fire Chief shall determine what action is to be taken and note the decision in his report. A copy of the written report shall be placed in the personal file of the member and a copy given to that member. If the Fire Chief recommends that the KPFDD member be suspended or dismissed or if the KPFDD member disagrees with the Fire Chief's decision, the member may elect to have the decision reviewed by a Fire Chief's Review Board. The Chief's Review Board will be comprised of the Fire Chief, Assistant Chief and the three District Chiefs (or their duly appointed representatives).

The Review Board will read the written reports, review the incident and allow each party the opportunity to present supporting testimony to justify his/her actions. It will be the duty of the Review Board to overturn or uphold the recommended disciplinary action. The Review Board will hear testimony and then adjourn to deliberate in private. The decision of the Review Board will be made within two days of the date of review. The Review Board will have the authority to provide sanctions against either the charging or charged individual or individuals up to and including complete dismissal from the Kennebunkport Fire Department.

2. Emergency Situation:

In the case of a violation of KPFDD Policies, Regulations and Suggested Operating Guidelines (SOG's) at an emergency incident scene in which a KPFDD member's conduct threatens his/her own safety or that of another member or citizen, any KPFDD officer may suspend the member

effective immediately. Any such suspension shall not be subject to appeal at the time it is issued, and the KPF D member suspended shall be directed to leave the incident scene. The officer involved may seek the assistance of the Police Department in ensuring the member's safe departure from the scene as well as the continued safety of other KPF D members and the general public. Any such suspension shall be reviewed by the Fire Chief as soon as possible after the suspension. The Fire Chief shall consult with the officer and KPF D member involved and may interview others present at the scene before determining whether an additional penalty is appropriate. The procedure applicable in non-emergency situations shall be followed before any further disciplinary measures are imposed.

Once a complaint is received in writing and signed by the complainant, the Fire Chief will schedule a Chief's Review Board. The Chief's Review Board will be comprised of the Fire Chief, Assistant Chief and the three District Chiefs (or their duly appointed representatives).

The Review Board will read the written complaint, review the incident and allow each party the opportunity to present supporting testimony to justify his/her actions. It will be the duty of the Review Board to settle the written complaint. The Review Board will hear testimony and then adjourn to deliberate in private. The decision of the Review Board will be made within two days of the date of review. The Review Board will have the authority to provide sanctions against either the charging or charged individual or individuals up to and including complete dismissal from the Kennebunkport Fire Department.

This chart identifies selected infractions and suggested penalties for each. This list is intended as an example and is not to be considered as an exhaustive or exclusive list. The actual discipline imposed for any violation is at the discretion of the Fire Chief.

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Falsification of employment application or other records	Discharge			
Unauthorized possession of firearms or other dangerous weapons while on duty	Discharge			
Theft or misappropriation of property	Discharge			
Deliberate abusing, damaging, defacing, or destroying KPF D property & tools	Discharge			
Sabotage	Discharge			
Misuse or unauthorized removal from premises of KPF D files, lists or records	Discharge			
Provoking a fight or fighting	Written Warning	One month suspension	Discharge	
Possession or use of alcohol on premises or reporting under the influence of alcohol	Written Warning	One month suspension	Discharge	
Possession or use of illegal narcotics on premises or reporting under the influence of illegal narcotics	Discharge			
Directing abusive language toward any member	Written Warning	One month suspension	Discharge	
Leaving post without permission	Warning*	Written Warning	One month suspension	Discharge
Refusal to obey orders of a superior or insubordination	Written Warning	One month suspension	Discharge	
Willful, deliberate or repeated violation of KPF D	Written Warning	One month	Discharge	

Policies, Regulations and Suggested Operating Guidelines		suspension		
Distracting the attention of others or causing confusion	Warning*	Written Warning	One month suspension	Discharge
Conviction of other than a minor motor vehicle charge	Written Warning*	One month suspension	Discharge	
Failure to observe traffic regulations or unsafe operation of KPFD vehicles or personal vehicle (while responding to an emergency)	Warning*	Written Warning	One month suspension	Discharge
*Seriousness of the offense will determine level of disciplinary action and or may require a Chief's Review Board				